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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,747

08/08/2006

Alastair Robert Buckley

BHJ14USA

4270

270 7590 10/16/2008

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EXAMINER

CHEN, BRET P

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

10/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,747	Applicant(s) BUCKLEY, ALASTAIR ROBERT	
	Examiner Bret Chen	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6,8-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8-10 and 12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 1792

DETAILED ACTION

Claims 1, 3, 5-6, 8-10, 12 are pending in this application.

The Request for Reconsideration dated 7/3/08 has been considered but is not deemed persuasive.

Claim Rejections - 35 USC § 103

Claims 1, 3, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uetsuki et al. (3,892,490) for the reasons listed in the previous office action.

Claims 8-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uetsuki et al. (3,892,490) in view of Bois (4,303,694) or Nath (4,514,437) for the reasons listed in the previous office action.

Response to Arguments

Applicant's arguments filed 7/3/08 have been fully considered but they are not persuasive.

Applicant first argues that the reference fails to teach a shield which “covers a portion of the surface contacted by said beam of electrons” (p.2 last paragraph) which results in protection from secondary electrons (p.3 first paragraph and p.3 last full paragraph).

The examiner disagrees. It is first noted that there is no mention anywhere in the instant claims about protection from secondary electrons. Hence, the applicant's arguments are not commensurate in scope. Secondly, it is noted that Uetsuki teaches of an electron emitting filament 20 which is directed onto a material 16 protected by the shield member 18 (col.4 lines

Art Unit: 1792

19-30 and Figure 1). It is the examiner's position that Uetsuki specifically teaches a shield which covers a portion of the surface contacted by said beam of electrons.

Applicant also argues that the reference fails to teach rotational movement such that the surface previously contacted by the beam of electrons is no longer covered by the shield (paragraph bridging pp.2-3).

The examiner disagrees. It is noted that Uetsuki specifically teaches a source material 16 is mounted on a revolving material holder 14 (col.4 lines 19-20 and Figure 1). It is the examiner's position that the reference clearly teaches of rotational movement between the container and the electron beam.

Applicant next argues that the reference fails to teach a location of impact located underneath the shield (p.4).

The examiner agrees in part. It is first noted that nowhere in the instant claims is there any mention of an impact location. Hence, the arguments are not commensurate in scope with the instant claims. However, if the applicant were to amend the claims to reflect the electron beam striking the material under the cover of the shield, then the art rejection over Uetsuki would be removed. Please note also that this would also solve the issue on the protection from the secondary electrons mentioned above.

Applicant makes the same arguments in reference to the above issues on pp.5-8. These issues have been addressed above.

Applicant's arguments have been considered but are not deemed persuasive.

Art Unit: 1792

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bret Chen whose telephone number is (571)272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bret Chen/
Primary Examiner, Art Unit 1792
10/14/08

Application/Control Number: 10/551,747

Page 5

Art Unit: 1792